

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

COLUMBIA GAS TRANSMISSION)	
CORPORATION,)	
)	
Plaintiff,)	C.A. No. 02-CV-3733
)	
v.)	
)	
AN EASEMENT TO CONSTRUCT,)	
OPERATE AND MAINTAIN A 24-INCH)	
GAS TRANSMISSION PIPELINE ACROSS)	
PROPERTIES IN CHESTER COUNTY,)	
PENNSYLVANIA, OWNED BY JAY PAR)	
AND PAR ANBIL, et al. and UNKNOWN)	
PERSONS AND INTERESTED PARTIES,)	
)	
Defendants.)	
)	

**NOTICE OF WITHDRAWAL OF PLAINTIFF
COLUMBIA GAS TRANSMISSION CORPORATION'S
MOTION FOR IMMEDIATE ACCESS, MOTION TO CANCEL
HEARING SCHEDULED FOR OCTOBER 1, 2002
AND MOTION FOR STATUS CONFERENCE**

The plaintiff, Columbia Gas Transmission Corporation ("Columbia") gives notice of the withdrawal of its Motion for Immediate Access and Possession of Easements Condemned for Pipeline Replacement, moves the Court to cancel the hearing scheduled for October 1, 2002 on the Motion for Immediate Access and moves the Court to schedule a status conference to set up a pretrial schedule. Columbia states in support as follows:

1. This condemnation action was initiated to allow Columbia to obtain easements necessary for the replacement of a segment of Columbia's gas transmission pipeline (Line 1896) with a larger pipeline. The larger Line 1896 is part of the Delaware Valley Energy Expansion Project (the "Project") which will provide new natural gas supplies for electric power generation in this region.

2. Columbia filed a Motion for Immediate Access and Possession of Easements Condemned for Pipeline Replacement to allow it to meet its construction schedule for the replacement of segment of Line 1896 by November 2002. That schedule would permit Columbia to meet its contractual obligation to provide service to one of the electric plants involved in the Project.

3. Columbia's Motion for Immediate Access was originally scheduled to be heard on July 31, 2002.

4. On July 26, 2002, Columbia moved to postpone the hearing on the Motion for Immediate Access because business developments had changed Columbia's construction schedule. At that time, Columbia still planned to commence construction this year.

5. On August 1, 2002, the Court entered an Order rescheduling the hearing to October 1, 2002.

6. Changes in the construction plans of the electric plants to be served by Columbia under the Project have necessitated additional changes in Columbia's construction schedule. Columbia still plans to replace Line 1896 but will not do so in 2002. Columbia's current construction schedule calls for construction to commence in March 2003. That schedule is subject to additional approvals of changes in the Project by the Federal Energy Regulatory Commission.

7. Due to the change in Columbia's construction schedule, Columbia hereby gives notice of its withdrawal of its Motion for Immediate Access and moves that the Court cancel the hearing scheduled for October 1, 2002.

8. Columbia also requests that the Court schedule a status conference at its earliest convenience to set up a schedule for the orderly resolution of remaining claims in order

to allow Columbia to begin construction next spring. When this action was commenced in June 2002, easements on 46 properties were condemned. Since then, Columbia has reached negotiated settlements with the owners of 27 of those properties. Of the remaining 19 properties, the owners of 11 of those properties filed Answers challenging Columbia's condemnation. The issue raised by those Answers must be resolved. In addition, the issue of just compensation must be resolved as to all properties. In addition, a status conference will allow the Court and the defendants to question Columbia as to the details of the revised construction schedule.

WHEREFORE, Columbia: (1) gives notice of withdrawal of its Motion for Immediate Access; (2) moves for the cancellation of the hearing scheduled for October 1, 2002; and (3) moves for the Court to schedule a status conference.

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CORPORATION,

Plaintiff,

v.

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PROPERTIES IN CHESTER COUNTY,
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AND PAR ANBIL, et al. and UNKNOWN
PERSONS AND INTERESTED PARTIES,

Defendants.

C.A. No. 02-CV-3733

ORDER

Upon consideration of the Notice of Withdrawal of Plaintiff Columbia Gas Transmission Corporation's Motion for Immediate Access, Motion to Cancel Hearing Scheduled for October 1, 2002 and Motion for Status Conference, the Motion for Immediate Access is withdrawn, the hearing scheduled for October 1, 2002 is cancelled, and a status conference is scheduled for October ____, 2002 at __:__.m.

Dated: _____

J.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing has been served upon the following:

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